

STATE OF SOUTH DAKOTA	)	IN CIRCUIT COURT
	)SS	
COUNTY OF HUGHES	)	SIXTH JUDICIAL CIRCUIT
DAN LEDERMAN, individually	)	32CIV18-000147
and in his capacity as Chairman of	)	
the of the SOUTH DAKOTA	)	
REPUBLICAN PARTY,	)	
Petitioner,	)	<b>JUDGMENT GRANTING</b>
	)	<b>PEREMPTORY WRIT</b>
vs.	)	<b>OF PROHIBITION</b>
HONORABLE SHANTEL	)	
KREBS, in her official	)	
capacity as SECRETARY OF	)	
STATE, and the CONSTITUTION	)	
PARTY OF SOUTH DAKOTA,	)	
Respondents.	)	

TO THE ABOVE-NAMED RESPONDENTS:

The Petitioner, having filed an Application for a Writ of Prohibition seeking to prohibit the Secretary of State from certifying for the General Election ballot any candidates nominated by the Constitution Party of South Dakota at any Convention noticed for August 14, 2018; and the Court having issued an Alternative Writ requiring that the Respondents show cause as to why the Secretary of State should not be absolutely restrained from performing the acts addressed by these writs and why a peremptory writ of mandamus and/or writ of prohibition should not issue; and a show cause hearing was held before this Court in the Courtroom of Hughes County Courthouse in Pierre, South Dakota, on the 16<sup>th</sup> day of August, 2018, beginning at 1:00 pm. Petitioner appeared personally and with his counsel, Justin L. Bell of May, Adam, Gerdes & Thompson, LLP. Respondent the Honorable Shantel Krebs, Secretary of State, was represented Assistant Attorneys General Ann Mines Bailey and Kirsten Jasper. Terry LaFleur and Mike Gunn appeared pro se.

Upon consideration of the evidence presented, including the testimony of the witnesses, judicial notice of exhibits, exhibits offered and received, and the stipulations of the parties, and upon consideration of the briefs and arguments of counsel, the Court now reaffirming and hereby incorporating the Court's Oral Findings of Facts and Conclusions of Law entered of August 16, 2018, and finding that granting of a Peremptory Writ of Prohibition is warranted pursuant to SDCL 21-30-4, that there is no reason for delay, and that this is the final judgment of this Court.

NOW, THEREFORE,

IT IS ORDERED AND COMMANDED that the Secretary of State shall be permanently restrained from placing any candidates nominated by the Constitution Party of South Dakota on the 2018 general election ballot.

Dated the 17<sup>th</sup> day of August, 2018.

BY THE COURT

Patricia DeVaney

Hon. Patricia J. DeVaney  
Circuit Court Judge

Attest:  
Deuter-Cross, TaraJo  
Clerk/Deputy



CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served upon the following on the 17<sup>th</sup> day of August, 2018, by either electronically filing and serving or mailing a true and correct copy thereof to them by first class mail, postage prepaid, at their last known addresses, to wit:

Ann Mines Bailey [Ann.MinesBailey@state.sd.us] [By Electronic Filing]	Kirsten Jasper [Kirsten.Jasper@state.sd.us] [By Electronic Filing]	Constitution Party of South Dakota 20076 450th Ave Arlington SD, 57212 [by US Mail]
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Terry Lee LaFleur 4601 E. Clark St. Apt. 8 Sioux Falls, SD 57110 [by US Mail]	Constitution Party of South Dakota 5905 Parakeet Place Sioux Falls, SD 57107 [by US Mail]
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BY: /s/ Justin L. Bell  
JUSTIN L. BELL

has to be on docket

15-6-45(1)  
has to be served  
in time to get the  
(witness)

Look up  
where is proof  
of service?

Time frame from Writ of Prohibition has been requested

How much time to respond.

- does proper service include proof of service? google